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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 HOLLAND AMERICA, *et al.*,

11 Plaintiffs,

12 v.

13 WARTSILA NORTH AMERICA, INC., *et*  
14 *al.*,

15 Defendants.

CASE NO. C04-1368RSM

ORDER GRANTING MOTION  
FOR CERTIFICATION

16 This matter comes before the Court on plaintiffs' motion to certify this Court's prior  
17 orders dismissing defendants, Wartsila Finland Oy, Wartsila Corporation, Bureau Veritas, S.A.,  
18 Bureau Veritas (Canada) Inc., and Bureau Veritas North America, Inc., as final for purposes of  
19 interlocutory appeal to the Ninth Circuit Court of Appeals. (Dkt. #164). Plaintiffs argue that  
20 certification is appropriate pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, in  
21 that there is no just reason for delay, and the only remaining defendant in this case will not suffer  
22 prejudice while these orders are appealed. Defendants argue that the motion should be denied  
23 because certification will result both in piecemeal appeals to the Ninth Circuit, and result in an  
24 undesirable delay to the resolution of plaintiffs' claims against the remaining Wartsila defendant,  
25 Wartsila North America.

26 Having considered plaintiffs' motion (Dkt. #164), the Wartsila defendants' response

ORDER GRANTING CERTIFICATION  
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1 (Dkt. #167), the Bureau Veritas defendants' response (Dkt. #168), plaintiffs' reply (Dkt.  
2 #1171), and the remainder of the record, the Court hereby ORDERS:


3 (1) Plaintiffs' Motion for Certification (Dkt. #164) is GRANTED. Rule 54(b)  
4 certification requires this Court to make an "express determination that there is no just reason  
5 for delay." Fed. R. Civ. P. 54(b). In the instant case, the Court agrees with plaintiffs that no  
6 just reason for delay exists. First, the Court notes that it has dismissed all defendants but one in  
7 this action; thus, allowing plaintiffs to appeal those orders would not result in "piecemeal  
8 appeals" as defendants assert. Second, the Court is persuaded by plaintiffs' argument that  
9 permitting the appeals court to affirm or reverse this Court's orders on jurisdictional issues will  
10 ultimately permit the case against any defendants to be tried as one.

11 Accordingly, the Court DIRECTS the ENTRY OF FINAL JUDGMENT of dismissal for  
12 Wartsila Finland and Wartsila Corporation for lack of personal jurisdiction, and dismissing  
13 Bureau Veritas, S.A., Bureau Veritas Canada, and Bureau Veritas North America based on an  
14 enforceable forum selection clause, and CERTIFIES AS FINAL for purposes of interlocutory  
15 appeal its previous orders dismissing those defendants from this action. (Dkts. #99, #101, #166  
16 and #170).

17 (2) This case is STAYED pending a decision by the Ninth Circuit Court of Appeals.  
18 The parties shall immediately notify the Court of such decision, at which time any party may also  
19 move the Court to lift the stay.

20 (3) The Clerk shall forward a copy of this Order to all counsel of record.

21 DATED this 2nd day of June 2005.

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24 RICARDO S. MARTINEZ  
25 UNITED STATES DISTRICT JUDGE  
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